

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|   |   |                 |
|---|---|-----------------|
| APPLICATION OF GTE MOBILNET               | ) |                 |
| INCORPORATED FOR ISSUANCE OF A            | ) |                 |
| CERTIFICATE OF PUBLIC CONVENIENCE AND     | ) |                 |
| NECESSITY TO CONSTRUCT A PERSONAL         | ) |                 |
| COMMUNICATIONS SERVICE FACILITY IN THE    | ) |                 |
| CINCINNATI-DAYTON MAJOR TRADING AREA      | ) | CASE NO. 97-304 |
| ("MTA") WHICH INCLUDES BOONE, KENTON,     | ) |                 |
| CAMPBELL, GALLATIN, GRANT, PENDLETON,     | ) |                 |
| BRACKEN, MASON, LEWIS, GREENUP, CARTER,   | ) |                 |
| BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN, | ) |                 |
| FLOYD, AND PIKE COUNTIES, KENTUCKY ("KY   | ) |                 |
| NO. 0240/CVG 70/DEAR TRACE FACILITY")     | ) |                 |

O R D E R

On July 8, 1997, GTE Mobilnet Incorporated ("GTE Mobilnet") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a personal communications service facility in the Cincinnati-Dayton Major Trading Area ("Cincinnati-Dayton MTA"). The proposed facility consists of a monopole antenna tower not to exceed 160 feet in height, with attached antennas, to be located at 321 Deer Trace Drive, Florence, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 56' 33.87" by West Longitude 84° 37' 54.49".

GTE Mobilnet has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, GTE Mobilnet has notified the Boone County Planning Commission ("Planning Commission") of the proposed construction. Several letters commenting on the proposed construction have been filed by the Planning Commission. The Planning Commission requested and was granted intervention in this proceeding and a public hearing was scheduled. Upon motion by GTE Mobilnet, the public hearing was canceled and an informal conference held instead. Subsequent to the discussions during the informal conference, the Planning Commission filed a letter withdrawing its objection to the proposed construction but maintained its concerns regarding the proposed location. The Planning Commission advised that the alternative site identified as the "Rest Area" site was less objectionable. During the informal conference, GTE Mobilnet presented evidence which indicated that the "Rest Area" site would result in less than adequate service in critical areas along the I-75 corridor.

GTE Mobilnet has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. The FAA determined that no notification was required and the KAZC decision is pending.

GTE Mobilnet has filed notices verifying that each person who owns property or resides within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, GTE Mobilnet has posted notice of the

proposed construction in a visible location for at least two weeks after filing its application. To date, no comments from area residents or property owners have been received by the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, GTE Mobilnet should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by GTE Mobilnet.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that GTE Mobilnet should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed facility in the Cincinnati-Dayton MTA.

IT IS THEREFORE ORDERED that:

1. GTE Mobilnet is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 160 feet in height, with attached antennas, to be located at 321 Deer Trace Drive, Florence, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 56' 33.87" by West Longitude 84° 37' 54.49".
2. GTE Mobilnet shall file a copy of the final decision regarding its pending KAZC application for the proposed construction within 10 days of receiving the decision.

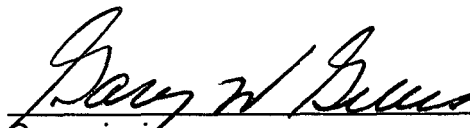
3. GTE Mobilnet shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 30th day of December, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director